

THE HILLS SHIRE COUNCIL

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8 August 2017

Ms Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: 2/2018/PLP

Dear Ms Van Laeren,

PLANNING PROPOSAL SECTION 56 NOTIFICATION

The Hills Local Environmental Plan 2012 (Amendment No. ##) – Proposed amendment to insert an incentive provision to promote the delivery of transitional housing in the Hills Shire

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), it is advised that Council has resolved to prepare a planning proposal for the above amendment.

Please find enclosed the information required in accordance with the guidelines 'A guide to preparing planning proposals' issued under Section 55(3) of the EP&A Act. The planning proposal and supporting material is enclosed with this letter for your consideration. It would be appreciated if all queries by the panel could be directed to Brent Woodhams, Acting Principal Coordinator – Forward Planning, on 9843 0443.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 2/2018/PLP. Should you require further information please contact Michaela Garrard, Town Planner on 9843 0159.

Yours faithfully



Janelle Atkins
ACTING MANAGER FORWARD PLANNING

Attachments: Planning Proposal (2/2018/PLP)

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No. ##) – to amend The Hills Local Environmental Plan 2012 to insert an incentive provision to promote the delivery of transitional housing in the Hills Shire (2/2018/PLP).

ADDRESS OF LAND: The Hills Shire Local Government Area

SUPPORTING MATERIAL:

Attachment A Assessment against State Environmental Planning Policies

Attachment B Assessment against Section 117 Ministerial Directions

Attachment C Council Report and Minute, dated 25 July 2017

Attachment D Mayoral Minute No. 8/2017

BACKGROUND:

Transitional housing provides safe and temporary accommodation for vulnerable members of the community, including women and children experiencing homelessness and/or domestic violence. Transitional housing can provide refuge and protection to these people during times of crisis, as well as a safe, comfortable and secure environment in which they can recover, rebuild self-esteem and make informed and empowered decisions about their lives.

At its meeting of 11 July 2017 Council considered Mayoral Minute No.8/2017 on transitional housing within The Hills Shire Council and resolved as follows:

- 1. This Mayoral Minute be received.*
- 2. The General Manager commence investigations into potential mechanisms to encourage and incentivise the provision of transitional housing as part of new residential developments within The Hills Shire.*
- 3. The outcomes of the review be reported to Council.*

In accordance with Council's resolution a potential mechanism to encourage and incentivise the provision of transitional housing as part of new residential development has been developed. The provision incorporates a floor space cap which will ensure that there is not an unreasonable proliferation of unplanned growth and that the additional yield will not unreasonably impact on surrounding residents. The bonus provision would facilitate only a moderate uplift in yield, would be voluntary and would ensure that the developer retains the ownership of the transitional homes.

At its meeting of 25 July 2017, Council considered a report on the outcome of the investigation, including the proposed floor space incentive provision for transitional housing, and resolved as follows:

- 1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend The Hills Local Environmental Plan 2012 to insert a provision to allow a floor space bonus for the provision of transitional group homes, as set out in the report.*

2. *Draft amendments to DCP 2012 be prepared to provide guidance to developers on the intent of the incentive and to ensure that these dwellings are appropriately managed.*
3. *A draft Voluntary Planning Agreement template for 'transitional group homes' be prepared.*
4. *Prior to any public exhibition of the planning proposal, a report on the draft amendments to DCP 2012 and Voluntary Planning Agreement template be brought to a Councillor briefing session before being submitted to Council.*

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to promote the delivery of transitional housing within the Hills Shire Local Government Area.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by creating a suggested new clause **7.13 Floor space bonus for the provision of transitional group homes:**

"Despite clause 4.4 (2) and clause 7.12, the consent authority may consent to development that results in a floor space ratio in excess of the maximum floor space ratio that would otherwise be permitted on the site under the Floor Space Ratio Map or Floor Space Ratio Incentives Map, if:

- a) *The site is zoned either R4 High Density Residential, R1 General Residential or B4 Mixed Use, and*
- b) *The site is subject to a Floor Space Ratio standard on the Floor Space Ratio Map or Floor Space Ratio Incentive Map, and*
- c) *The development is for a residential flat building or shop top housing, and*
- d) *The development includes transitional group home dwellings, and*
- e) *The development includes no less than 50 dwellings (excluding transitional group home dwellings), and*
- f) *The average internal floor area of all transitional group home dwellings within the development is no less than 100m², and*
- g) *The excess floor space does not exceed 10% of the floor space permitted on the site, up to a maximum of 900m² Gross Floor Area, and*
- h) *The excess floor space does not exceed Y:1, where:*
 - o *TG is the number of transitional group home dwellings within the development,*
 - o *SA is the area of the site in square metres, and*

$$Y = (300 \times TG) \div SA$$

"

The proposed provision will have the following characteristics:

- It will only apply to residential flat buildings and shop top housing developments within the R4 High Density Residential, R1 General Residential or B4 Mixed Use zone;

- The bonus FSR will be available if the development includes a minimum of 50 dwellings (excluding 'transitional group home dwellings');
- The bonus floor space shall not exceed 10% of the maximum Floor Space Ratio permitted on the site, up to a maximum of 900m² GFA (capped regardless of the site area);
- An additional 300m² of GFA would be available for every 'transitional group home' provided, which would allow for 2 bonus dwellings (each with an average internal floor area of no less than 100m² GFA) comprising:
 - 1 'transitional group home' (to be used as a group home (subject to agreement with a suitable provider/s) and then returned to the developer after a period of use - potentially 10 years); and
 - 2 standard dwellings above the yield otherwise achievable by the developer;
- The maximum additional yield achievable within the bonus floor space will be 9 dwellings (of which 3 would need to be a 'transitional group home');
- The timing of the developer's incentive is staged:
 - Upfront: 2 bonus (unrestricted) dwellings; and
 - After 10 years: 1 bonus dwelling (when use as a transitional dwelling has ceased);

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not a result of any strategic study or report. However, the planning proposal provides an appropriate response to and is consistent with the vision for the Hills Shire Local Government Area given in various strategic studies prepared by The Hills Shire Council and the State Government, including A Plan for Growing Sydney, the Draft Central West District Plan, the Hills Local Strategy, and the North West Rail Corridor Strategy. An assessment of the planning proposal against these strategies will be further discussed in Section B.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is considered to be the best means of achieving the intended outcomes for the site. Adding this clause to the Hills Local Environmental Plan 2012 will ensure that there is sufficient incentive for developers to provide some transitional homes within their development, but will also ensure that the bonus floor space is proportional to the scale of development anticipated on the relevant site and will not result in an unreasonable impact on the amenity of surrounding residents due to the proliferation of bonus floor space and increasing building bulk.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, a discussion of consistency is provided below.

- **A Plan for Growing Sydney**

On 14 December 2014, the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

- A competitive economy with world-class services and transport,
- A City of housing choice with homes that meet our needs and lifestyles,
- A great place to live with strong, healthy and well-connected communities, and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

The planning proposal supports the Plan for Growing Sydney's focus on providing more housing with a greater choice of dwelling types, and improving wellbeing to create a strong and inclusive community. Transitional housing will allow for those who are in a crisis to live in a safe and stable environment.

- **Draft West Central District Plan**

Section 4 of the draft Plan – *A Liveable City* discusses frameworks to form a foundation for planning and infrastructure to be delivered in consideration of people's needs at all stages of life. Furthermore, one of the nine liveability outcomes specifically demonstrates housing choice by supporting affordable and appropriate housing for all.

The Greater Sydney Commission is committed to achieving improved housing choice through leverage of existing and new infrastructure projects to enhance housing opportunities. To deliver this, the draft Plan urges planning authorities to consider the needs of the local population base, and as such, prioritise and support the delivery of social/transitional housing by increasing housing provisions. The provisions will be to meet the needs of the growing number of households requiring transitional housing and to reduce homelessness.

In recognition of the above, the planning proposal is considered to be consistent with the objectives of the draft Plan to support transitional housing in new development.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes, a discussion of consistency is provided below:

- **The Hills Future 2017 - 2021 Community Strategic Plan**

The Hills Future articulates The Hills Shire community and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a Plan that creates a picture of where the Hills would like to be in the future.

A key outcome from this plan is to be a vibrant community, where the aims are to ensure that public spaces are safe, well designed and well maintained, as well as providing access to a range of services and facilities to contribute to the health and wellbeing of the community.

The planning proposal is consistent with the outcomes of The Hills Future as it will facilitate a desirable and safe living environment for vulnerable members of the community, as well as providing services to accommodate for their personal needs.

- **Local Strategy**

In 2008 Council adopted its Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Residential Direction is the relevant components of the Local Strategy to be considered in assessing this proposal.

- Residential Direction

The Local Strategy sets targets for the Shire to contribute additional housing to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing planning framework and current projects. The Planning Proposal supports the Local Strategy's Residential Direction as it will facilitate a moderate supply of residential accommodation for socially disadvantaged people in distress.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies (SEPP) is provided in Attachment A. A discussion on the consistency of the proposal with the relevant SEPP is provided below.

Affordable Rental Housing (2009)

The Affordable Rental Housing SEPP (2009) provides a consistent planning regime for the provision of affordable rental housing. The planning proposal shares the aims and objectives of the SEPP, which is to facilitate the effective delivery of new affordable rental housing through the provision of incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Transitional housing is contained within term 'group home', however the proposed clause focuses solely on promoting and facilitating transitional housing as a form of temporary housing for those in crisis, and will not be applicable to permanent forms of group homes that are outlined within the SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes, the planning proposal is consistent with the relevant s.117 Ministerial Directions. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **3.1 Residential Zones**

This Direction encourages a variety and choice of housing types to provide for existing and future housing needs. The Direction also requires that future residential development should ensure that new housing has appropriate access to infrastructure and services. As the proposed provision is applicable for future residential flat buildings and shop top housing development within the R1 General Residential, R4 High Density Residential, and B4 Mixed Use zones, the planning proposal is consistent with the objectives of the Direction.

- **Direction 3.4 Integrated Land Use**

The planning proposal will only apply to land within the R1 General Residential, R4 High Density Residential, and B4 Mixed Use zones, which typically have access to public transport nodes and/or hubs and are located in close proximity to jobs and services. As the expected resident would be a sole parent with children, it is important to locate them within well-connected communities. The proposal is considered consistent with this Direction as the

provision facilitates improved access to housing, jobs and services in close proximity to walking, cycling and public transport.

- **Direction 5.9 North West Rail Link Corridor Strategy**

The Department of Planning and Environment, along with local councils and Transport for NSW have worked together to ensure that planning goals and objectives are achieved through the growth of the North West Rail Link Corridor.

The North West Rail Link Corridor Strategy (September 2013) was developed to guide future development around the eight (8) new stations connecting the North West of Sydney to the Sydney CBD. With demand of housing and jobs expected to grow, the construction of the North West Rail Link will provide more opportunities for high density residential and mixed use development. The planning proposal is considered to be consistent with this Direction as it will not undermine the densities and vision for the Railway Precincts and will promote a diversity of housing types.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The existing framework for the assessment of development on critical habitat or threatened species and protected ecological communities will continue to apply and will not be affected by this planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal is not anticipated to create any additional impacts on local character and amenities as it will not greatly increase the density of the development.

9. How has the planning proposal adequately addressed any social and economic effects?

Approximately 5 cases of domestic violence are reported in the Hills per week – this equates to about 245 cases per year. As The Hills experiences significant residential growth, transitional housing will help current and future residents to live in a safe environment, and gives them the opportunity to rebuild and rehabilitate their lives.

The Hills Development Control Plan 2012 will be amended to include the proposed provision. Objectives will ensure that the bonus floor space incentive will not create excessive yield to future development, and therefore will not impact the amenity and character of local community centres throughout the Hills. To ensure public spaces are being maintained and improved to accommodate for future development, Section 94 contributions will be required for development applications that have included transitional housing.

From a social and economic perspective, the planning proposal provides a positive outcome to the community within the Hills.

SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will apply to land where residential flat buildings and shop top housing are proposed within the R1 General Residential, R4 High Density Residential, and B4 Mixed Use zones. Further consultation with service providers will be undertaken during public exhibition and during the development assessment process.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The views of the State and Commonwealth Public Authorities will not be known until after consultation.

PART 4 MAPPING

No changes are proposed to the Hills LEP 2012 Map Sheet. The planning proposal will apply to residential flat building and shop top housing development on land zoned R1 General Residential, R4 High Density Residential, and B4 Mixed Use.

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building, Vinegar Hill Memorial Library, Baulkham Hills Library, Dural Library, and Castle Hill Library. The planning proposal will also be made available on Council's website.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	October 2017
Government agency consultation	November 2017
Commencement of public exhibition period	November 2017
Completion of public exhibition period	December 2017
Timeframe for consideration of submissions	January 2018
Timeframe for consideration of proposal post exhibition	February 2018
Report to Council on submissions	March 2018
Planning Proposal to PCO for opinion	April 2018
Date Council will make the plan (if delegated)	May 2018
Date Council will forward to department for notification (if delegated)	June 2018

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Land sharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	
No. 21	Caravan Parks	NO	-	
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	NO	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)		YES	YES	Consistent – See Section B Question 5
Building Sustainability Index: BASIX 2004		NO	-	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		YES	NO	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	-
Miscellaneous Consent Provisions		YES	NO	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
(2007)			
Penrith Lakes Scheme (1989)	NO	-	-
Port Botany and Port Kembla (2013)	NO	-	-
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	YES	NO	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)			
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Deemed SEPPs			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	NO	-	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	NO	-
1.2	Rural Zones	NO	-	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	NO	-
2.4	Recreation Vehicle Area	NO	-	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	Consistent – see Section B Question 6
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	Consistent – see Section B Question 6
3.5	Development Near Licensed Aerodomes	YES	NO	-
3.6	Shooting Ranges	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	YES	NO	-
4.2	Mine Subsidence and Unstable Land	YES	NO	-
4.3	Flood Prone Land	YES	NO	-
4.4	Planning for Bushfire Protection	YES	NO	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	YES	Consistent – see Section B Question 6
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	NO	-
7. Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	YES	YES	Consistent – see Section B Question 3
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	-
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-